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14 SEP 2006

In re Application of  
OKUO, et al.

Serial No.: 10/517,357

PCT No.: PCT/JP03/06339

Int. Filing Date: 21 May 2003

Priority Date: 24 May 2002

Atty Docket No.: 37569-407800

For: PHOTOCURABLE RESIN COMPOSITION FOR  
FORMING OVERCOATS, RGB PIXELS,  
BLACK MATRIXES OR SPACERS IN COLOR...

DECISION ON

RENEWED PETITION

UNDER 37 CFR 1.47(a)

This decision is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 25 August 2006 in the United States Patent and Trademark Office (USPTO) to accept the application without the signature of joint inventor Akitaka Nishio.

### BACKGROUND

On 25 May 2006, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 25 August 2006, applicant filed the present response. Applicant has authorized the charging of the necessary one-month extension of time fee payment to deposit account number 19-1351 and therefore the response is considered timely filed.

### DISCUSSION

As detailed in the decision mailed 25 May 2006, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied item 1. With the filing of the present renewed petition and accompanying documentation applicant has satisfied the remaining items.

As to item (2), applicant has included a firsthand account from Mr. Masanori Akada detailing his attempts to present the non-signing inventor with a complete set of application

papers. In addition, applicant has provided the results of telephone directory and internet searches conducted in an attempt to locate a new address for the non-signing inventor.

Regarding item (3), applicant has currently provided a statement of the last known address of the non-signing inventor from Mr. Akada as he has stated that the papers he mailed were to the last known address. The relevant exhibit contains this information.

As to item (4), applicant has presently filed a compliant declaration executed by the remaining inventors on their own behalf and on behalf of Mr. Nishio.

As such, it is proper to grant applicant's renewed petition at this time.

### **CONCLUSION**

For the reasons above, applicant's renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 21 May 2003 under 35 U.S.C. 363, and will be given a date of **25 August 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.



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Dear Mr. Nishio:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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